REMARKS

In the Office Action dated November 10, 2007, claims 19-25 and 37-39 were presented for examination. Claims 19, 20, 24, 25, 37 and 38 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Black et al.*, U.S. Patent No. 5, 878,056 (hereinafter *Black*), in view of *Clark Lubbers,* U.S. Patent Application Publication No. 2003/0188233 (hereinafter *Lubbers*). Claims 21-23 and 39 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Black et al.*, U.S. Patent No. 5, 878,056 in view of *Lubbers*, U.S. Patent Application Publication No. 2003/0188233, and in further view of *AAPA* (Applicant's Admitted Prior Art).

I. Rejection of Claims 19, 20, 24, 25, 37 and 38 under 35 U.S.C. §103(a)

In the Official Action of November 10, 2008, the Examiner rejected claims 19, 20, 24, 25, 37 and 38 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,878,056 to *Black et al.* (hereinafter *Black*) in view of *Lubbers.*

Applicant's remarks pertaining to *Black* and *Lubbers* in the prior Response(s) are hereby incorporated by reference. Furthermore, Applicant has canceled claims 37 and 38. As such, the rejection of those claims are now moot.

Applicant has amended claim 19 to further distinguish his invention over *Black.* The Applicant's invention teaches a queue stored at a SAN storage managed by a SAN controller. The queue is accessible for **all** application servers. With implementation of SAN, storage of messages is removed from individual servers and instead stored at the network level. Queues are also moved to the SAN and ownership of a queue is removed from a local queue manager and is vested with the SAN controller. The queue mangers, as claimed by Applicant, only provide communication between application servers and the SAN controller. See paragraph [0018] of Applicant's publication. Applicant's amended claim 19 positively recites the centralized queue providing control and management of messages at the network level. It is inherent that the centralized queue eliminates issues associated with server failure and loss of any messages stored thereon at the time of failure.

Furthermore, Applicant has amended claim 19 to further define the aspect of the message property. Support for this amendment is found in paragraph 0038 of Applicant's published patent application. The claimed message properties are not taught or suggested in any of the prior art references.

In contrast to the claimed elements of Applicant, *Black* teaches **multiple** queues **local** to application servers and managed by **local** queue managers. Each local queue can be accessed only by it's local queue manager (application server). According to *Black,* "each application interacts only with its local queue manager, and it is the network of interconnected queue managers that is responsible for moving the messages to the intended queues." See col. 8, lines 60-64 of *Black.*

The Examiner admits that *Black* does not teach the usage of storage area network and employs *Lubbers* as a prior art reference in relation to a centralized storage area network. However, *Lubbers* does not teach SAN in conjunction with a messaging-and-queuing system as claimed by Applicant.

Accordingly, *Black* and *Lubbers* applied in combination or separately, do not teach a queue that is **accessible by all** application servers and is stored at a SAN. Furthermore, neither *Black* and *Lubbers* teach the message property as claimed by Applicant. The multiple queues of *Black,* that are stored on application servers, are managed by local queue managers, not by a centralized SAN controller, and are accessible only for application servers local to them. When combined, the prior art references do not teach or suggest every claim limitation of the Applicant's invention, and as such they do not meet every requirement under 35 U.S.C. §103(a) and are not sufficient to uphold a rejection under 35 U.S.C. §103(a).[1] Accordingly, Applicant respectfully requests removal of the rejection of claims 19, 20, 24, 25, 37, and 38, and respectfully request allowance thereof.

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[1] See MPEP §2143.

II. Rejection of Claims 21-23 and 39 under 35 U.S.C. §103(a)

In the Official Action of November 10, 2008, the Examiner rejected claims 21-23 and 39 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,878,056 to *Black et al.* (hereinafter *Black*) in view of *Lubbers*, and further in view of Applicant's Admitted Prior Art (hereinafter *AAPA*).

Applicant's remarks pertaining to *Black*, *Lubbers,* and *AAPA* in the prior Response(s) and above in this Response are hereby incorporated by reference.

The Examiner employs *AAPA* in relation to connection handles and object handles. As noted above by Applicant, the combination of *Black* and *Lubbers* do not teach the elements of Applicant's amendments submitted herewith. Although *AAPA* discusses employment of a "connection handle" and "object handle" associated with an asynchronous message and queuing system, *AAPA* fails to teach such a limitation in conjunction with a SAN controller managing a central queue that is accessible to all servers, as specified in the current amendment to the claims. Each of the claims in this rejection are dependent claims from an independent claim that includes a SAN controller managing a central queue. There is no teaching in *Black*, *Lubbers*, or *AAPA* for a SAN controller to manage a queue in the manner claimed by Applicant. Thus, it would not be obvious to combine the prior art teachings of *Black*, *Lubbers*, and *AAPA* since combining these three prior art references fail to teach all of the element claimed by Applicant.

To establish a rejection under 35 U.S.C. §103(a), all the claim limitations must be taught or suggested in the prior art.[2] If the prior are references do not teach or suggest every claim limitation of the Applicant's invention, then they do not meet every requirement under 35 U.S.C. §103(a) and are not sufficient to uphold a rejection under 35 U.S.C. §103(a).[3] The Examiner has not established a prima facie case of obviousness with respect to the aforesaid set of claims, since

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[2] MPEP §2143.03 (Citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)).

[3] See MPEP §2143.

the combination of references comes short of teaching each of the elements claimed by Applicant.

III. Conclusion

In view of the forgoing amendment to the claims, it is submitted that all of the claims remaining in the application are now in condition for allowance and such action is respectfully requested. Applicant is not conceding in this application that those claims in their prior forms are not patentable over the art cited by the Examiner, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the application. Applicant respectfully reserves the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

Furthermore, Applicant has added new claims 41-53. These new claims include apparatus and article claims that include the subject matter of claims 19-25, as amended. No new subject matter has been added to the application with the new claims. Accordingly, Applicant respectfully requests entry and allowance of the new claims.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that she be contacted at the number indicated below.

For the reasons outlined above, an allowance of this application is respectfully requested.

Respectfully submitted,

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Date: February 10, 2009